

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:07-CR-233-D

UNITED STATES OF AMERICA)	
)	ORDER TO DISMISS
v.)	COMPLAINT AND
)	ARREST WARRANT
ALMA MARILU HERNANDEZ)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, has moved the Court to dismiss the pending Complaint and Arrest Warrant in this matter. Upon due consideration the Court notes the following:

1. A Complaint and Arrest Warrant were issued by the court on August 27, 2007, in violation of Title 18, United States Code, Section 1028(A) (Aggravated Identity Theft), Title 18, United States Code, Section 911 (relating to false personation of citizenship), and Title 42, United States Code, Section 408, (Fraud relating to Social Security numbers).

2. The arrest coincided with a large operation in which ICE arrested approximately 30 illegal immigrants under various charges in an operation at the Smithfield Packing work place.


3. At the time of the defendant's arrest it was discovered that she was both pregnant and reportedly suffering from medical complications. The defendant was not held in custody. She subsequently filed a series of Motions to extend the Government's time within which to file an Indictment. The government did not

oppose these and the Court granted them. The Grand Jury has not issued an Indictment. The defendant has continued to report to ICE every month as part of her pretrial supervision.

4. The defendant is the subject of an on-going administrative removal process initiated by immigration authorities. The Defendant has a removal hearing scheduled July 27, 2011.

The Court notes that the defendant has not opposed the Government's Motion to Dismiss. As a consequence of the fact that the Grand Jury has not issued an Indictment and noting the attendant circumstances recited above, the Court hereby GRANTS the Government's Motion to Dismiss and ORDERS the subject Complaint and Arrest Warrant DISMISSED.

SO ORDERED. This 4 day of August 2011.


JAMES C. DEVER III
United States District Judge